

Request for Reconsideration:

Applicant acknowledges with appreciation that the Examiner indicates claims 7 and 8 describe allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. Applicant is amending claims 4 and 5, and these amendments are not narrowing amendments, and, thus, do not constitute a disclaimer of patentable subject matter. Moreover, Applicant respectfully submits that these amendments are supported by the original specification, as filed. See, e.g., Appl'n, Paras. [0024-0025]. Accordingly, claims 1-8 currently are pending, of which claim 1 is independent. Applicant respectfully requests that the Examiner enter the foregoing amendments and reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Remarks:

1. Rejections.

Claims 4 and 5 stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claim 1 stands rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Patent Application Publication No. JP 2003-291633 A to Suzuki et al. (“Suzuki”). Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Suzuki in view of Patent No. US 5,027,608 A to Rentmeester et al. (“Rentmeester”). Claims 3 and 5 stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Suzuki in view of Rentmeester, and further in view of Patent Application Publication No. JP 2002-234337 A to Toki. Applicant respectfully traverses.

2. Indefiniteness Rejections.

The Office Action rejects claims 4 and 5 as allegedly indefinite because each of these claims describes that the first and second compression mechanisms are operated simultaneously “in spite of” the claimed condition, and when the claimed condition is satisfied. Thus, Applicant is amending the claims to delete the “in spite of” phrase in each of claims 4 and 5. Further, these amendments are not narrowing amendments, and, thus, do not constitute a disclaimer of patentable subject matter. Therefore, Applicant respectfully requests that the Examiner withdraw the indefiniteness rejections of claims 4 and 5.

3. Anticipation Rejection.

The Office Action rejects claim 1 as allegedly anticipated by Suzuki. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (citations omitted).

Accordingly, the Office Action contends that Suzuki discloses each and every element of independent claim 1. Applicant respectfully disagrees.

Claim 1 describes “a temperature (Toff) calculated by said evaporator target temperature calculation means and a predetermined value A are referred, and if a condition of $Teva-Toff > A$ is satisfied, said first compression mechanism and said second compression mechanism are operated simultaneously.” (Emphases added.) Suzuki depicts a vaporizer temperature desired value Toff1 and an evaporator target temperature Toff2, both of which are represented by dotted lines in **Fig. 9**. Suzuki, Para. [0040].¹ The Office Action contends that $A = Toff2 - Toff1$. Office Action, Page 3, Lines 16-20. Nevertheless, Suzuki describes that the motor drive control starts electric motor 3 when the vaporizer temperature exceeds evaporator target temperature Toff2. Moreover, Suzuki states that the motor drive control stops electric motor 3 when the vaporizer temperature falls below the desired value Toff1. Suzuki, Para. [0041]. Accordingly, Suzuki depicts a system in which the motor 3 is switched on, simultaneously with engine 2, solely based on the vaporizer temperature relative to the value of Toff2, regardless of the value of Toff1. Thus, Suzuki fails disclose simultaneously operating engine 2 and electric motor 3 when “ $Teva-Toff \geq A$,” as set forth in claim 1. Therefore, at least for this reason, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of independent claim 1.

Moreover, Suzuki fails to disclose an “evaporator target temperature calculation means.” Toff2 is merely a predetermined target temperature of the evaporator. Accordingly, Suzuki fails to disclose a structure that “calculat[es] a target temperature (Toff) of said evaporator temperature or said evaporator exit air temperature,” as set forth in claim 1.

¹ Citations to Suzuki’s paragraph numbers are from the machine translation of Suzuki obtained from the Japan Patent Office’s website.

Therefore, at least for this additional reason, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of independent claim 1.

4. Obviousness Rejections.

Claims 2-6 ultimately depend from independent claim 1. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citations omitted). Therefore, at least for this reason, and in view of the remarks with regard to claim 1, Applicant respectfully requests that the Examiner withdraw the obviousness rejections of dependent claims 2-6.

Conclusion:

Applicant maintains that the above-captioned patent application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representatives, we would welcome the opportunity to do so.

Applicant believes that only fee for a one-month extension of time to respond is due as a result of this responsive amendment. Nevertheless, in the event of any variance between the fees determined by Applicant and the fees determined by the PTO, please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,
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